

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

KCH TRANSPORTATION, INC.,)	
)	
Plaintiff,)	
)	CIVIL ACTION FILE
v.)	
)	NO: 1:24-cv-01211-TWT
AG PRODUCTION SERVICES, INC.,)	
)	
Defendant.)	

SECOND DECLARATION OF JESSICA FRANKLIN

I, Jessica Franklin, declare:

1. I have personal knowledge of the matters stated in this Declaration. I am over the age of 18 and competent to testify to these matters. I could and would testify to the following facts in a court of law if called upon to do so.
2. I am employed by KCH Transportation, Inc. ("KCH"). I am an Assistant Vice President with responsibility for billing and accounting.
3. I understand that AG Production Services, Inc. ("AG") has filed a motion to dismiss this case. In connection with that motion, AG has claimed that "invoice #0473569, invoice #0473570, invoice #0475285, and invoice #0475286 were sold and/or assigned to a different out of state entity." This is not true. KCH has not sold or assigned these invoices or any other invoice at issue in this case.

4. In connection with AG's motion, AG also alerted KCH to the filing of an action in Nevada. The Nevada action was filed without KCH's knowledge or authorization. The action appears to have been filed in error by a collection agency with whom KCH no longer works.

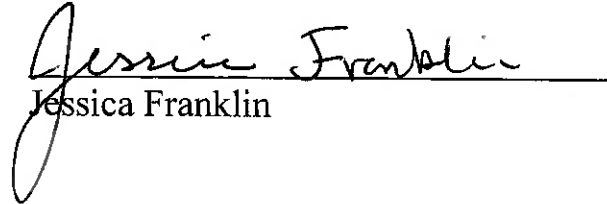
5. The Nevada action appears to have been filed on April 22, 2024. KCH was made aware of the Nevada action by AG on April 24, 2024. KCH contacted the attorneys in the Nevada action on April 24, 2024. The attorneys in the Nevada action submitted a proposed dismissal to the Nevada court on April 25, 2024. The dismissal was approved and filed by the Nevada court on April 26, 2024.

6. To KCH's knowledge, AG was never served with the Nevada action, never appeared in the Nevada action, and has suffered no prejudice from the Nevada action.

7. A true and correct copy of the dismissal of the Nevada action is attached as Exhibit A.

8. Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Dated: May 9, 2024.


Jessica Franklin

